

A Tale of Two Cases: Narratives of Sexual Harassment at Two Japanese Universities

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Abstract. During the 1990s, high profile incidents of sexual harassment at a number of universities in Japan made headline news and highlighted the need for reform in the way harassment was dealt with in higher education. This paper focus on two well documented cases of sexual harassment at two very different kinds of institutions. This first narrative describes a high profile case of sexual harassment at Kyoto University involving a prominent academic of high standing. The other tells the tale of sexual harassment involving a professor of human rights at Naruto University of Education. These two incidents highlight the complexity of harassment in Japan, from the point of view of the victims and their families to the reaction of the alleged perpetrators, and the stance of the university. This paper compares and contrasts the two incidents and looks at the impact they had on academia in Japan.

Keywords: sexual harassment, discrimination, education

Introduction

During the 1990s, high profile incidents of sexual harassment at Ryukyū University, Yamagata University, Mie University, Tenri University, and Hiroshima Shūdō University made headline news and highlighted the need for reform in the education system (Kitanaka 2001: 10). This paper will focus on two well known cases of sexual harassment which caused a ruckus in the academic world. In 1993, one of the most notorious cases of sexual harassment to emerge in Japanese universities was known as the Yano Case (*Yano jikken*) and it involved a distinguished professor at Kyoto University and a former student. Professor Yano was the director of the Centre for Asian Studies at Kyoto University and amidst allegations of sexual harassment resigned from his position in 1993 (Asiaweek 1999). The accusations of sexual harassment were very serious, and the grim details of the case sent shock waves through the Japanese academic profession (Ono 1993). Even today the academic community is split between those who believed he was guilty and those who think he was innocent. An additional case which courted media attention was at Naruto University of Education which involved a Professor of human rights and one of his students. Although these two cases were by no means the only ones to reach media attention, they do illustrate the complexities of sexual harassment court cases and emphasise the need for tighter legislation and stronger protection for victims.

The Yano Incident

Kōno Otsuko¹ worked as a secretary at Kyoto University, at that time, the head of the Centre for Asian Studies was the internationally renowned South East Asian specialist, Professor Toru Yano.² Ms. Kōno filed a complaint against Professor Yano claiming she had been sexually abused and harassed by Professor Yano over a long period of time. The allegations made against Professor Yano shocked and divided the academic community. The problem was that Professor Yano was such a respected scholar and held in high esteem by many. It was difficult for academics to believe that such a pillar of the community could or in deed would be so abusive to someone under his charge. There were however, a growing number of academics who strongly believed that sexual harassment, discrimination and abuse was rife in the academic community and it was only a matter of time before someone pushed the button on what was essentially a ticking time bomb. What people failed to realise was that Ms. Kōno's allegations were the result of a culmination of complaints and investigations made about Professor Yano over a prolonged period of time.

Charges of sexual harassment against Professor Yano began in January 1993. Professor Yano interviewed a woman for a secretarial position, the interview took place in a hotel and Professor Yano said to the woman: *Tsukareta watashi wo itawari, toki ni ha sōi ne wo suru koto mo hisho no shigoto de aru* (When I am tired I want to be taken care of and sometimes I would like you to sleep with me as part of your secretarial duties) (*Kyoto Daigaku Josei Konwakai* 1996: 3). The woman naturally refused this proposition, and subsequently Professor Yano threatened to sack the woman's sister who also worked in the South East Asian Research Centre. The woman and her sister later complained to the Research Centre and Professor Yano was forced to sign a memorandum, in front of two faculty members, stating that the incident in January would never happen again (*Kyoto Daigaku Josei Konwakai* 1996: 3). Following this incident, over a period of several months, seven secretaries working for Professor Yano resigned from their positions, one of whom cited sexual harassment as the reason behind her resignation. An investigation was eventually conducted into Professor Yano's behaviour, which resulted in four victims handing in personal testimonies of their experience to the university investigation committee; one of these victims was Kōno Otsuko (*Kyoto University Female Academic Society* 1994: 3). It was becoming increasingly apparent that Professor Yano was using his position of power to sexually harass women in his research office. Finally, Professor Yano was taken to court and found guilty of sexual harassment and rape and was forced to pay compensation for the pain he had caused (*Yomuri Newspaper* 1993).

At the time, the story received much media coverage arguably, because of Professor Yano's erratic and somewhat eccentric actions after the allegations came to light rather than because of the nature of the complaint itself. As mentioned previously, after the

allegations were made against him, Professor Yano resigned from his position at Kyoto University and retreated to *Tōfukuji* temple in Kyoto for a month, much to the annoyance of the Association of Faculty Members who Demand a Thorough Investigation [in to the incident] (*Tettei kyūmei wo moromeru daigaku kyōin no kai*) who sent a petition to the temple demanding that Professor Yano leave his refuge and face the charges made against him (Mainichi 1993). On emerging from his spiritual refuge he stated that his resignation was invalid and demanded to be reinstated and threatened to sue Ms. Kōno for slander and defamation of character.

Events took yet another bizarre twist when Professor Yano's not only filed a suit against the victim but also wife threatened to sue Ono Kazuko, a faculty member at Kyoto University for slander and defamation of character. Professor Ono was the representative of the Kyoto University Female Academic Society at the time of the allegations. She wrote to the president of the university demanding an investigation into the alleged incidents of sexual harassment and also wrote an article in the newspaper about Professor Yano and the complaints made against him (Ono 2001; Ōtani 2000). These charges were eventually dropped and once the case was lost Professor Yano transferred to a university in Vienna eventually dying at the age of 63 (Asiaweek 1999).

Kōno Otsuko wrote about her own experiences of the case in a book entitled *Kuyamu koto mo hajiru koto mo naku kyōdai Yano kyōju jiken no kokuhatsu* (*Nothing to regret, nothing to be ashamed of: The prosecution of Professor Yano from Kyōto University*) (Kōno 2001). This is a cathartic personal and moving account of the young victim's ordeal describing in detail the process of bringing Professor Yano to court and the emotions involved in following through with such a prosecution. Finally, Ms Kōno tells us how she is rebuilding her life as a feminist councillor in the hope that she can help and support other victims of sexual harassment who might find themselves in a similar situation. Her experience brings home the gravity of the crime of sexual harassment and her account portrays the trauma victims of sexual abuse must go through, from initial memories of the abuse to the whole court process. Her accounts of the rape and molestation at the hands of Toru Yano are moving to say the least and convey the physical pain and mental anguish she suffered at the time (Kōno 2001: 13-17). This story had a happy ending in so much as Ms. Kōno has moved on with her life and taken a negative experience and turned it into a positive one. Not all stories of sexual harassment have happy endings.

The above example illustrates the complications involved in cases of sexual harassment and sexual discrimination. At the time of the Yano case there was no law protecting Japanese women from sexual harassment in the work place. The prosecutors argued that the abuse and sexual harassment Ms. Kōno experienced was a breach of her human rights. The situation was further exacerbated because the victim was fighting against a prominent member of society. Professor Yano used his celebrated position to abuse and manipulate Ms. Kōno and other women in his employment. Once his conduct

was discovered he used his position to control the court case by suing numerous people for defamation of character. In this instance, it did not work and Professor Yano felt he had no other option but to retreat to Vienna to carry out his research there.

The complexities of sexual harassment cases such as the one above is further illustrated when one looks at the difficulty scholars have over documenting such incidences. In her article *Feminism Timelines and History-Making*, Tomomi Yamaguchi discusses the difficulty scholars have had in creating a *nenpyō* (timeline) for this case (Yamaguchi 2005: 55). The feminist action group Yamaguchi was working with described Yano's behaviour as rape and sexual harassment whereas other feminist *nenpyō* only described his actions as sexual harassment. The action group also included a guilty verdict in their *nenpyō* while other groups had not. Yamaguchi believes that the differences in how the actions were portrayed illustrates how editors of *nenpyō* whether male or female make the "links between the practice of sexual violence and the efforts of feminist activists to prosecute such behaviour" (Yamaguchi 2005: 55). I would also argue that failure to document such actions in a cohesive manner represents the lack of understanding about the very nature of sexual harassment.

The Case at Naruto University of Education³

Naruto University of Education is situated in Tokushima prefecture on the beautiful island of Shikoku. It is located in Naruto City famous for its whirlpools and the university prides itself on being an innovative university training teachers "from nation-wide schools through advanced course work and research in graduate programmes" as well as having elementary school courses for undergraduates (Naruto University of Education 2003). However, the University was far from an idyll between 1996 and 1999, when it was rocked by claims of sexual harassment by a former student, who brought a civil case of sexual harassment against a professor working at the University.

On the 16th of October 1996, a former postgraduate student at Naruto University of Education in Tokushima prefecture filed a civil action suit against Professor A. of the same university. She claimed Professor A., who was her M.A supervisor, sent her seventy letters over a period of one year. His behaviour caused her to have a breakdown and prevented her from furthering her education to PhD level. The postgraduate claimed ¥5, 500,000 in compensation and asked for a solution to be found within the University. Subsequently, the University established a committee to investigate the allegations. Above is but a mere sketch of what eventually turned out to be a long and complicated court case spread over three years.

The frame within which the drama is played out is a classic example of a professor who abuses his authority and the difficulties the victim has in receiving recognition for her suffering. Like the Yano case, this case of sexual harassment came to light, before

amendments were made to include sexual harassment in the Equal Opportunity Law. Therefore, the student went to the University for help, but received little sympathy, and so felt she had no choice but to file a civil suit against Professor A. (Yomiuri Newspaper 1996; Campus Sexual Harassment National Network 2002a: 20). It is only when the details of the case are examined is it possible to gain insight into the politics and prejudices integral to cases of sexual harassment at Japanese universities.

The Student's Story

The student in question began an M.A course at Naruto University of Education in 1994, choosing a number of lectures by Professor A. In 1995, letters began to arrive at her parents' house; at first the content of the letters was about university life, but gradually they became sexual in nature. In total, Professor A. wrote seventy letters to the student. In one of the letters Professor A. made references to the student's make up and in another she was told to leave the course, citing the only reason she came on the M.A programme was to find a boyfriend; Professor A. also called the student at home. The student approached Professor A. and asked him to stop sending her letters, her pleas were ignored. Consequently, she began to be absent from her classes and was diagnosed with depression. In total, she was absent from university for six months and was unable to progress onto a PhD course (Yomiuri Newspaper 1996; Campus Sexual Harassment National Network 2002a: 20).

The student complained she had been taken advantage of and felt she was unable to complain to the university, as Professor A. had the authority to decide whether she passed or failed her M.A (Yomiuri Newspaper 1996). She also claims Professor A. used his position to force her to go out to dinner with him and that in 1995, Professor A. sent her ¥1, 000,000 in an envelope for a holiday, which the student sent back immediately. When Professor A. passed the envelope to the student with the money inside he said "*Dōfu no mono ha semete mono kimochi desu*" (Only my feelings [for you] are enclosed), the student claims it was this action, which proved his intent (Tokushima Newspaper 1997). It was after this incident that the relationship between the student and Professor A. deteriorated. The student eventually decided to demand ¥5, 500,000 in compensation, because of the immense stress and pressure she suffered as a consequence of Professor A.'s actions (Tokushima Newspaper 1997a; Campus Sexual Harassment National Network 2002a: 20-27).

Professor A's Story

Professors A.'s lawyer stated that although Professor A. did send letters to his student it was not his intention to sexually harass, Professor A. wrote letters and made phone calls to encourage her to study and subsequently made a counter claim for slander

(Tokushima Newspaper 1996, 1996a; Asahi Shinbun 1996; Yomiuri Newspaper 1996a). Professor A. denied passing money to the student and at dinner the topic of conversation was limited to work, and as the student did not object to being taken out to dinner, then it could not be sexual harassment (Yomiuri Newspaper 1997; Tokushima Newspaper 1997; Campus Sexual Harassment National Network 2002a: 21-25).

The Position of Naruto University of Education

The first response of the president of Naruto University of Education was to make a statement claiming that Professor A. was a dedicated professor who had merely overstepped the boundaries of student teacher relations. Thirteen female academics petitioned the University to act on the case, and the president of the University set up a committee of seven people to investigate the accusations, the Ministry of Education was also informed (Yomiuri Newspaper 1996a). The president wished for a speedy conclusion to the allegations, and insisted Naruto University of Education was trying to regain trust between students and faculty. Professor A. stopped giving lectures as it was thought his lectures on human rights and education were inappropriate under the circumstances (Tokushima Newspaper 1996; Campus Sexual Harassment National Network 2002a: 20-21).

Eventually, Professor A. was suspended for twelve months: a disciplinary measure for sexually harassing the former student; colleagues also advised him to resign. The president then made it clear that even if Professor A. were to return to work he would be unable to supervise students. Fifty-five faculty members out of sixty-eight voted in favour of the twelve-month suspension. The Ministry of Education said the twelve-month suspension was the longest they had had to date, the longest suspension they had had up till then was only three months (Tokushima Newspaper 1997; Campus Sexual Harassment National Network 2002a: 27).

The Plot Thickens

On the 17th of March 1997, Professor A. accused the student of defamation of character also demanding ¥5,500, 000 in compensation. Professor A. claimed the student circulated slanderous rumours about him. In response to this allegation the student stated that the investigation committee set up by the President of Naruto University of Education asked her for the said information. The case then becomes a minefield of accusations: the student accused Professor A. of sexual harassment, who in return accused the student of defamation of character, who then accused Professor A. of unjustly placing a claim for compensation (Tokushima Newspaper 1997c; Yomiuri Newspaper 1997a). Professor A. then wrote a statement to the personnel department stating that he believed his punishment was unfair and that he always encouraged the

student to do her PhD (Tokushima Newspaper 1997d; Campus Sexual Harassment National Network 2002a: 28-29).

Concerns of the Student's Family

The mother of the former postgraduate was questioned and said her daughter did not carry on with a PhD because of the telephone calls made to the house and the letters Professor A. sent to the house. The letters and the phone calls made her daughter stop eating and have a nervous breakdown. The mother believed if her daughter did nothing about the situation the pain would remain with her forever. She felt her daughter was too afraid to speak out about Professor A. as she thought any complaints would have a negative effect on her graduation (Tokushima Newspaper 1997e; Campus Sexual Harassment National Network 2002a: 31).

The Court Case

Professor A. spoke to a full court to deny any claims of sexual harassment made against him, during the three hours in which he was questioned he did not once look at the female former postgraduate. Professor A. was questioned about his role as supervisor, his influence over the student, and letters he sent to her house. Professor A. stated that if the postgraduate obtained the required credits she would pass her M.A and it was not his decision alone whether she passed or failed her thesis. As far as the letters were concerned he said he could not remember much about the content of them (Tokushima Newspaper 1997b; Campus Sexual Harassment National Network 2002a: 31).

Professor A. filed for damages of ¥30,000,000 against the female student for defamation of character and he also demanded a public apology to be printed in a newspaper. He also filed for damages of ¥150,000,000 against the president of the university and twenty-two other professors for defamation of character. He claimed the letters and the dinner invitations were related to the student's work and were not sexual harassment, he also claimed it was her lack of spirit which prevented her from carrying on to a PhD course. He claimed the president of Naruto University of Education was biased towards the victim and circulated information about the case throughout the university; it was only after this that a twelve-month suspension was decided upon. (Tokushima Newspaper 1998; Campus Sexual Harassment National Network 2002a: 33).

In addition, Professor A. filed a claim against the student's parents demanding compensation of ¥20,500,000 for defamation of character. He also tried to claim damages of ¥ 10,500,000 from a former male student. In return, the male student said his thesis was plagiarised by the professor in five places and reported it to the university. The female student's father was sued because he wanted Professor A. dismissed from the

University and also wanted the University to reform so that a similar incident could never happen. (Tokushima Newspaper 1998a; Campus Sexual Harassment National Network 2002a: 33).

Professor A. claimed damages of ¥30,500,000 against the president of Naruto University of Education and three other college professors for saying he plagiarised another student's thesis. Once again, he demanded a public apology in a newspaper. He claimed ¥30,500,000 in damages against two representatives of a support group supporting the former student who sent a statement to the Minister of Education outlining the incidents of sexual harassment (Tokushima Newspaper 1998a; Campus Sexual Harassment National Network 2002a 34).

The Result

In court the Dean of Naruto University of Education admitted a postgraduate is unable to graduate without their supervisor's approval, and said a professor could if he or she wishes obstruct the graduation of a student (Tokushima Newspaper 1998c). The Dean also acknowledged it was possible to change from one course to another during a semester but this was extremely difficult to do (Yomiuri Newspaper 1998). Finally, the court ruled Professor A must pay the student ¥ 2,200,000 in damages and squashed the professor's appeal. The former student was relieved at the outcome and the president of the University thought the outcome was a just one; Professor A. was reinstated at Naruto University of Education after his twelve month suspension (Campus Sexual Harassment National Network 2002a: 34-35).

It took three years for the student to win her case of sexual harassment. During this time Professor A. had filed over forty claims against his former student, her family, the president of the university, professors of the university, and the mass media for defamation of character. Twenty cases are still being disputed in the Tokushima regional court (Tokushima Newspaper 1998a; Campus Sexual Harassment National Network 2002a: 37).

The above case, illustrates the quagmire of accusations, counteraccusations and abuse that cases of sexual harassment produce. The cases at Kyoto University and Naruto University of Education highlight how difficult it is to bring a case of sexual harassment to court, once a victim has made a claim, the alleged perpetrators only redress is to claim for defamation of character. Moreover, as both cases show, the alleged perpetrators are willing to do almost anything, and sue almost anyone in order to clear their names.

Conclusion

It soon became clear to the female academic community that a network of support was

necessary to help victims of sexual harassment deal with the minefield of allegations and slander they may face if they decided to take a case of sexual harassment to court. As a result the Campus Sexual Harassment National Network was established. In addition, universities were placed under enormous pressure to create awareness of sexual harassment on campus. This pressure increased once amendments to the Equal opportunity Law were put in place. This resulted in universities creating their own guidelines and policies regarding sexual harassment and investigating the situation through surveys targeting faculty and students.

Notes

¹ Kōno Otsuko is a pseudonym.

² Professor Toru Yano was an eminent scholar at Kyoto University as well as being the head of the prestigious South East Asian Centre he was a member of the Swedish Academy of Science, which is in charge of selecting Nobel Prize winners (Nakamura 1994).

³ Material related to the sexual harassment case at Naruto University is based on a collection of news paper articles which can be found in a collection of materials from the 8th annual conference of the Campus Sexual Harassment National Network (2002). The first reference refers to the Newspaper article from which the information was taken and the second reference refers to the conference proceedings and the page number from which the article can be found. To make things easier on the eye, where necessary, I have placed the conference proceedings reference at the end of each paragraph with the relevant page numbers.

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